UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,046	12/29/2000	John Elmore Schier	062891.0489	9011

7590 09/02/2005	EXAMINER
Barton E. Showalter	REVAK, CHRISTOPHER A
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ART UNIT	PAPER NUMBER
2131	

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DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/752,046	SCHIER, JOHN ELMORE
	Examiner	Art Unit	
	Christopher A. Revak	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10-19 and 25-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>31-33</u> is/are allowed.

6)☒ Claim(s) <u>10-13,15-19,25-30,34-37</u> is/are rejected.

7)☒ Claim(s) <u>14</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 10-19,25-30, and 34-37 have

been considered persuasive and the previous rejection is hereby withdrawn. The

teachings of Cheswick et al have been identified by the examiner as being

relevant to the applicant's claim language.

2.   As per claims 31-33, the applicant's submission of support for the claim

language under 35 USC 112 6th paragraph is noted and the rejection of those

claims is hereby withdrawn.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 10-12,15-19,25-29, and 31-37 are rejected under 35 U.S.C. 102(e)

as being anticipated by Cheswick et al, US H1944 H.

As per claims 10,25, and 34, it is disclosed by Cheswick et al of a method

and medium including encoded logic for providing an identifier for processing an

electronic communication (emails)(col. 3, lines 53-64). A request is received via

a dongle (input device) to process the electronic communication (col. 3, lines 17-

25 & 53-64). A unique identifier (identification key) associated with the dongle

(input device) is determined wherein the unique identifier (identification key)

uniquely identifies the dongle (input device)(col. 3, lines 10-16). The electronic

communication is processed using the requesting process upon validating the

unique identifier (identification key)(col. 3, lines 10-16). The teachings of

Cheswick et al disclose of processing all communications traffic received from

the public network so that the client is protected (col. 2, lines 50-57) and it is

interpreted by the examiner that the communications comprise requested

processes selected from a forward request, a send request, a save request, a

delete request, a reply request, and a check request since they are all types of

communications.

As per claims 11,26, and 35, it is taught by Cheswick et al of accessing a

portion of memory to determine the unique identifier (identification key). The

received unique identifier (identification key) is compared to the stored unique

identifier (identification key) to determine if the input is valid to process the

communication (email)(col. 1, lines 10-16).

As per claims 12,27, and 36, Cheswick et al discloses of receiving a

communication (comprising the request) via a port operably associated with the

input device, receiving the unique identifier (identification key) from the dongle

(input device), and verifying the communication (email comprising the request)

and the unique identifier (identification key)(col. 2,lines 42-46 and col. 3, lines 10-16).

As per claim 15, Cheswick et al teaches of storing the unique identifier (identification key) within a memory associated with the dongle (input device)(col. 3, lines 10-13).

As per claims 16,28, and 37, it is disclosed by Cheswick et al of determining if an electronic communication (email) process associated with the dongle (input device) is valid and associating the communication (email comprising the request) with a button associated with the dongle (input device)(col. 2, lines 50-57; col. 3, lines 10-16; and as shown in Figure 3).

As per claim 17, Cheswick et al teaches of receiving an input from a user to select the function button of the dongle (input device)(col. 3, lines 10-16 and as shown in Figure 3).

As per claim 18, Cheswick et al discloses of displaying a function button within a browser (user interface) associated with the dongle (input device)(col. 2, lines 42-46 and as shown in Figures 1 & 3).

As per claims 19 and 29, it is taught by Cheswick et al of associating an encrypted unique identifier (identification key) within the electronic communication upon processing the electronic communication (email)(col. 3, lines 10-16 and col. 6, lines 30-35).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

6.   Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cheswick et al, US H1944 H in view of Golan, U.S. Patent

5,974,549.

The teachings of Cheswick et al disclose of monitoring incoming

communications from a public network by means of a dongle (input device) that

regulars whether or not the communication is allowed to be processed. The

teachings are silent in disclosing of quarantining electronic communication

(email) upon determining that the input device is not valid and notifying a user. It

is disclosed by Golan of executing in a secure mode in that every software

component (email) is executed in a secure sandbox (quarantine)(col. 2, lines 19-

25). When it is detected that a downloaded component (email) attempts to

commit an action that breaches security (determined that the input device is not

valid), the component's (email) execution is halted and a warning is issued to the

user (col. 4, lines 58-61). It would have been obvious to a person of ordinary skill

in the art at the time of the invention to have been motivated to protect against

malicious code from infecting a computer system. Golan recites motivation for

the use of a secure sandbox (quarantine) by reciting that software components

(email) can be executed in a secure sandbox (quarantine) and when the software

(email) attempts an action that is a breach of a security policy, execution is halted

(col. 2, lines 19-28) as a means of preventing such actions as information theft

and leakage of sensitive data (col. 1, lines 29-34). The teachings of Cheswick et

al would have benefited from the disclosure of Golan as a means of prevention of

an attack on sensitive data associated with a user.

Allowable Subject Matter

7.   Claim 14 is objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

8.   Claims 31-33 are allowed over the prior art of record based on the

applicant's remarks filed on June 9, 2005 listing support on pages 8-9 of the

response for the claimed limitations under 35 USC 112 6th paragraph.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Christopher A. Revak whose telephone

number is 571-272-3794. The examiner can normally be reached on Monday-

Friday, 6:30am-3:00pm.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Christopher Revak
Primary Examiner
AU 2131

CR

September 1, 2005